



THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application for:

H. Michael SHEPARD

Serial No.: 10/051,320

Filing Date: January 18, 2002

For: **METHODS TO TREAT
AUTOIMMUNE AND
INFLAMMATORY CONDITIONS**

Group Art Unit: Unassigned

**PROSECUTION BY ASSIGNEE AND POWER OF ATTORNEY
UNDER 37 C.F.R. § 3.71**

Commissioner for Patents
Washington, D.C. 20231

Sir:

NewBiotics Inc., the assignee of the entire right, title and interest in this patent application, under 37 C.F.R. § 3.71 hereby appoints:

Attorney	Registration No.	Attorney	Registration No.
David Beck	37,776	John W. Calkins	43,523
Patricia R. Coleman James	37,155	Terry Garnett	44,698
Carol M. Gruppi	37,341	Antoinette F. Konski	34,202
David W. Maher	40,077	Michael J. Shuster	41,310
William E. Thomson, Jr.	20,719	Michele Todd Wasmuth	43,239
Michael E. Woods	33,466		

all of the firm McCutchen Doyle Brown & Enersen LLP, Three Embarcadero Center, Suite 1800, San Francisco, CA 94111-4067, to prosecute this application and transact all matters in the United States Patent and Trademark Office connected therewith, said appointment to be to the exclusion of the inventors and their attorneys in accordance with the provisions of 37 C.F.R. § 3.71.

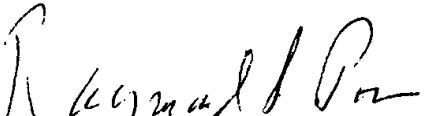
Please direct all written communications relative to this application to:

Antoinette F. Konski
McCutchen Doyle Brown & Enersen LLP
Three Embarcadero Center, Suite 1800
San Francisco, CA 94111-4067
Facsimile: (650) 849-4800

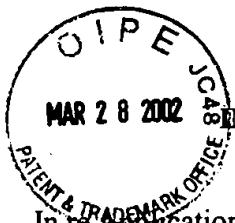
Please direct all telephone communications to Antoinette F. Konski at (650) 849-4950.

NewBiotics, Inc.

Dated: March 6, 2002

By: 

Name: **Raymond S. Poon, Ph.D.**
Title: Executive Vice President, Business
Development & Operations
Address: NewBiotics, Inc.
11760 Sorrento Valley Road,
Suite E
San Diego, CA 92121



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CERTIFICATE UNDER 37 C.F.R. § 3.73(b)

NewBiotics, Inc., a California corporation certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of either:

A. An assignment from the inventors of the patent application identified above. The assignment is being filed under separate cover and a copy thereof is attached.

OR

B. A chain of title from the inventor(s), of the patent application identified above, to the current assigned as shown below:

1. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet.

Copies of assignments or other documents in the chain of title are attached.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of the undersigned's knowledge and belief, title is in the assignee identified above.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: March 6, 2002

By: Raymond S. Poon
Name: **Raymond S. Poon, Ph.D.**
Title: Executive Vice President, Business
Development & Operations
Address: NewBiotics, Inc.
11760 Sorrento Valley Road,
Suite E
San Diego, CA 92121

ASSIGNMENT

COPY

Docket No. NB 2019.00

THIS ASSIGNMENT, by **H. Michael Shepard**, residing at, **1256 Quail Garden Court, Encinitas, California 92024 USA**(hereinafter referred to as the assignor), respectively, witnesseth:

WHEREAS, said assignor has invented certain new and useful improvements in **Methods to Treat Autoimmune and Inflammatory Conditions**, set forth in a application for Letters Patent in the United States, bearing Application No. 10/051,320, filed on **January 18, 2002**; and

WHEREAS, **NewBiotics, Inc.**, a corporation duly organized under and pursuant to the laws of California and having its principal place of business at **11760 Sorrento Valley Road, Suite E, San Diego, California 92121 USA** (hereinafter referred to as the assignee) is desirous of acquiring the entire right, title and interest in and to said inventions and said application and any applications for Letters Patent of the United States, and in and to any Letters Patent or Patents, United States or foreign, to be obtained therefore and thereon;

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and sufficient consideration, the receipt of which is hereby acknowledged, said assignor has sold, assigned, transferred and set over, and by these presents does sell, assign, transfer and set over, unto said assignee, its successors, legal representatives and assigns, the entire right, title and interest in and to the above-mentioned inventions, application for Letters Patent, and the same to be held and enjoyed by said assignee, for its own use and the use of its successors, legal representatives and assigns, to the full end of the term or terms for which Letters Patent or Patents may be granted, as fully and entirely as the same would have been held and enjoyed by the assignor, had this sale and assignment not been made.

AND for the same consideration, said assignor hereby covenants and agrees to and with said assignee its successors, legal representatives and assigns, that, at the time of execution and delivery of these presents, said assignor is the sole and lawful owner of the entire right, title and interest in and to said inventions and the application for Letters Patent above-mentioned, and that the same are unencumbered and that said assignor has good and full right and lawful authority to sell and convey the same in the manner herein set forth.

AND for the same consideration, said assignor hereby covenants and agrees to and with said assignee, its successors, legal representatives and assigns, that said assignor will, whenever counsel of said assignee, or the counsel of its successors, legal representatives and assigns, shall advise that any proceeding in connection with said applications for Letters Patent and any patents to be obtained thereon, granted thereon is lawful and desirable, sign all papers and documents, take all lawful oaths, and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of Letters Patent for said inventions, without charge to said assignee, its successors, legal representatives and assigns, but at the cost and expense of said assignee, its successors, legal representatives and assigns.

AND said assignor hereby requests the Commissioner for Patents to issue said applications for Letters Patent and patents granted thereon of the United States to said assignee as the assignee of said inventions and the Letters Patent to be issued thereon for the sole use of said assignee, its successors, legal representatives and assigns.

March 5, 2002
Date

Name: **H. Michael Shepard**

